



UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 30 2009

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Daniel J. Hulseberg  
Baker Botts LLP  
30 Rockefeller Plaza  
New York, NY 10112-4498

In Re: Patent Term Extension  
Application for  
U.S. Patent No. 5,451,233

Dear Mr. Hulseberg :

An interim extension under 35 U.S.C. § 156(e)(2) is enclosed extending the term of U.S. Patent No. 5,451,233 for a period of an additional 1 year. While a courtesy copy of this letter is being forwarded to the Food and Drug Administration (FDA), you should directly correspond with the FDA regarding any required changes to any patent expiration dates.

Inquiries regarding this communication should be directed to the undersigned by telephone at (571) 272-7755, or by e-mail at [mary.till@uspto.gov](mailto:mary.till@uspto.gov).

Mary C. Till  
Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc: Office of Regulatory Policy  
Food and Drug Administration  
10903 New Hampshire Ave., Bldg. 51, Rm. 6222  
Silver Spring, MD 20993-0002

RE: XIENCE V® EECSS  
(everolimus eluting coronary  
stent system)  
Docket No.: FDA-2008-E-0551

Attention: Beverly Friedman

**UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Abbott Cardiovascular Systems, Inc.

Request for Patent Term Extension

U.S. Patent No. 5,451,233

: ORDER GRANTING

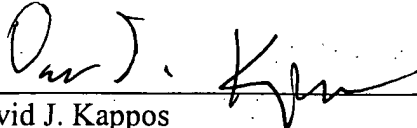
: INTERIM EXTENSION

On July 25, 2008, Abbott Cardiovascular Systems, Inc., an agent of Paul G. Yock, the owner of record in the United States Patent and Trademark Office (USPTO) of U.S. Patent No. 5,451,233, filed an application for patent term extension under 35 U.S.C. § 156. The extended term of the patent is due to expire on October 29, 2009. The patent claims the medical device, XIENCE V® EECSS (everolimus eluting coronary stent system), which was approved by the Food and Drug Administration for commercial marketing or use on July 2, 2008. An extension of 937 days is requested.

The initial USPTO review of the application to date indicates that the subject patent is eligible for extension of the patent term under 35 U.S.C. § 156. A final determination of the length of the extension of the patent term and issuance of a patent term extension certificate cannot be made until a final determination of the length of the regulatory review period is made. Because the original term of the patent would expire before a certificate of patent term extension can be issued, an interim extension of the patent term is appropriate.

An interim extension under 35 U.S.C. § 156(e)(2) of the term of U.S. Patent No. 5,451,233 is granted for a period of one year from the extended expiration date of the patent.

10/29/09  
Date

  
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David J. Kappos  
Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office